



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JAMES R. MURRAY
Assistant Corporation Counsel
Phone: (212) 356-2372
Fax: (212) 356-3509
jamurray@law.nyc.gov

BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Api

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/11/2023

Re: *Hosgan Tavira v. City of New York, et al.* 23 Civ. 1815 (LAK) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for Defendant City of New York in the above-referenced matter. Defendant writes with Plaintiff's consent to respectfully request that the Court (1) adjourn the November May 10, 2023 deadline for the parties to submit a proposed case management plan, and (2) adjourn the initial conference presently scheduled for May 17, 2023 at 11:00 a.m., until after the parties have fulfilled all requirements set forth by Local Civil Rule 83.10 (the "Plan"). See ECF No. 4.

By way of background, Plaintiff filed the Complaint on March 2, 2023, alleging, among other things, that several members of the New York City Police Department falsely arrested him on December 2, 2021 and subsequently maliciously prosecuted him. ECF No. 1. The next day, this case was designated for participation in Local Rule 83.10, formerly known as "The Section 1983 Plan." ECF No. 4. On March 6, 2023, this case was referred to Your Honor for general pretrial matters, including scheduling and discovery. ECF No. 5. Later that day, the Court scheduled an initial conference for May 17, 2023 at 11:00 am. ECF No. 6. Pursuant to Rule II(a) of the Court's Individual Practices in Civil Cases, the parties must file a proposed case management plan by May 10, 2023, one week before the conference.

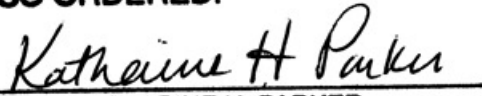
Defendants request that the Court adjourn the initial conference and, by extension, the deadline to file a proposed case management plan, so that the parties may comply with the requirements set forth by Local Rule 83.10. Local Rule 83.10 prescribes a limited discovery schedule and requires the parties to attend a mediation session within 14 weeks after the first

defendant answers the Complaint. Therefore, any additional proposed discovery schedule would conflict with Local Rule 83.10's requirements. Additionally, the Plan is designed to promote early settlement and if the parties resolve this matter at or before the Plan-required mediation, a full discovery schedule will not be necessary at any point in this case. As such, it would be a more efficient use of the parties' and the Court's time to submit a case management plan and attend an initial conference after the parties have had an opportunity to complete the requirements set forth in the Plan.

Accordingly, for the reasons set forth above, the parties respectfully request that the Court: (1) adjourn the November May 10, 2023 deadline for the parties to submit a proposed case management plan, and (2) adjourn the initial conference presently scheduled for May 17, 2023 at 11:00 a.m., until after the parties have fulfilled all requirements set forth by Local Civil Rule 83.10.

The parties thank the Court for its consideration herein.

SO ORDERED:


HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

5/11/2023

The case management conference scheduled on May 17, 2023 at 11:00 a.m. is adjourned. The parties shall write a joint status letter by **June 2, 2023**.

Respectfully submitted,

James R. Murray s/
James R. Murray
Assistant Corporation Counsel
New York City Law Department
100 Church Street, Room 3-183
New York, New York 10007
(212) 356-2372
jamurray@law.nyc.gov

cc: **BY ECF**
All attorneys of record